

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHN VALDIVIA,

Plaintiff,

v.

FRESNO COUNTY, *et al.*,

Defendant(s).

Case No. 1:24-cv-00084-EPG (PC)

ORDER REGARDING EARLY  
SETTLEMENT CONFERENCE

ORDER DIRECTING CLERK TO SERVE  
CAVAN MICHEAL COX, II, COUNSEL FOR  
DEFENDANT, WITH A COPY OF THIS  
ORDER

John Valdivia (“Plaintiff”) is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The Court has screened Plaintiff’s complaint and allowed at least one claim to proceed past screening. At least one defendant has waived service of process.

The Court now directs the parties to participate in a settlement conference before a Magistrate Judge to see if the case can reach an early settlement. Neither side is waiving any claims, defenses, or objections by participating in this settlement conference.

Defense counsel is directed to consider Plaintiff’s claim(s) and to speak with Plaintiff following this order.<sup>1</sup> If, after investigating Plaintiff’s claim(s) and speaking with Plaintiff,

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<sup>1</sup> The parties may confer by letter.

1 defense counsel in good faith finds that a settlement conference would not be productive at this  
2 time, defense counsel may opt out of this settlement conference by filing a notice (a motion is  
3 unnecessary) with the Court, in which case the matter will proceed without an early settlement  
4 conference.

5 If defense counsel opts out of the settlement conference, or if the case does not settle at  
6 the conference, the case will proceed to litigation.<sup>2</sup>

7 If defense counsel does not opt out, the Court will issue separate order(s) setting the  
8 settlement conference and detailing the pre-settlement conference procedures in due course.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Within forty-five days from the date of service of this order, defense counsel  
11 shall either: (1) file a notice stating that Defendant(s) opt out of the settlement  
12 conference; or (2) contact ADR Coordinator Sujean Park  
13 (spark@caed.uscourts.gov) to schedule the settlement conference. If defense  
14 counsel does not opt out of the settlement conference, the Court will issue an  
15 order setting a settlement conference. That order will include the date of the  
16 conference and the Magistrate Judge who will oversee the conference, and may  
17 also include procedures required by that Judge.<sup>3</sup>
- 18 2. The parties are reminded to keep the Court informed of their current address.  
19 Any change of address must be reported promptly to the Court in a separate  
20 document captioned for this case and entitled "Notice of Change of Address."  
21 See L.R. 182(f).

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27 <sup>2</sup> If the case proceeds to a settlement conference, the Court will not schedule the case until after the  
28 settlement conference is held. Nothing in this order extends Defendant(s)' deadline to file a responsive pleading,  
but Defendant(s) may file a motion to extend the deadline to respond to the complaint.

<sup>3</sup> The undersigned will not be the Magistrate Judge overseeing the settlement conference.

3. The Clerk of Court is directed to serve a copy of this order via e-mail to: Cavan Micheal Cox, II, counsel for Defendant.

IT IS SO ORDERED.

Dated: **December 17, 2024**

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE